

**City of Fremont Instructions for Completing the Stormwater Treatment Measures Maintenance Agreement (also known as the Operations and Maintenance Agreement)**

1. Provide the initial submittal of the O&M Agreement (the Agreement) document in Word format. Exhibits may be provided in PDF format.
2. Do not notarize the Agreement until the City has reviewed and approved the document.
3. Do not alter the language of the template Agreement.
4. Paginate the Agreement and exhibits.
5. Complete the main Agreement as follows:
  - Fill in the blank spaces at the top of the 1<sup>st</sup> page (PLN, BLD, tract/parcel #, property address and/or subdivision name). If not applicable, mark the space N/A.
  - Leave the date in the opening paragraph blank. The Agreement will be dated by the City when all signatures are obtained (including City signatures).
  - Insert the name of the property owner and type of legal entity in the opening paragraph on page 1. Report the property owner precisely as it is shown on the title report.
  - Insert the property address in the fourth *WHEREAS* statement on page 1. If the property has multiple addresses, include subdivision or project name.
  - Insert the PLN in the *NOW, THEREFORE* statement on page 2.
  - Format signature block on page 6 according to the type of legal entity that owns the property.
6. Complete **Exhibit A**, the legal description of the property as follows:
  - Tract or parcel maps: use Alameda County Recorder's Office map book pages.
  - Single lots: use complete legal description.
7. Include the Stormwater Management Plan (SWMP), minus stormwater treatment measure details, in **Exhibit B**. Include stormwater treatment measure details in **Exhibit C**. Separate the SWMP from the plan set into multiple sheets for Exhibit B to ensure legibility. The SWMP sheets included in the O&M Agreement must be no larger than 8.5" x 11" and all fonts must be at least 0.12 inches.
8. Complete **Exhibit C**. Include the following information:
  - Maintenance plans for all stormwater treatment and HM measures (including pumps, if applicable). Sample maintenance plans may be found at <http://fremont.gov/stormwaterdevelopment>.
  - All Agreements must include either the Commercial-Industrial Site Housekeeping and Pesticide Reduction Measures maintenance plan or the Residential Good Housekeeping document (provided by the City or found on-line at the website referenced above).
  - Include design details of all treatment measures.
  - Include the plant species in the landscaped based treatment measures maintenance plan.
  - Provide manufacturers maintenance information along with the model number and design details for proprietary treatment measures, where allowed.
  - No photos are permitted; text and black/white diagrams only.
9. Complete **Exhibit D**, as follows:
  - Complete sections I-IV of *Treatment Measure Operation & Maintenance Inspection Report*.
  - Leave sections V-VIII blank and mark as "sample."
  - Provide the inspection checklists for all treatment & HM measures in the Attachments to Exhibit D, *Treatment Measure Operation and Maintenance Inspection Report*. All checklists must be clearly marked "sample" for notarization purposes.
10. Provide 1 original, notarized Agreement to the City after approval, and one signed PDF version. Photocopied documents will be rejected. Follow the City of Fremont signatory guidelines (attached).



## **SIGNATURE REQUIREMENTS**

When signing documents, it is important that they be properly executed to guarantee their validity and recordation. The following procedures must be followed for all documents processed by the City of Fremont such as: Subdivision Maps, Grants of Easements, Grant Deeds, Agreements, Bonds, etc.

- I. **FOR ALL SIGNATURES.** The name and title of the signer should be typed or printed beneath the signature. The name must be signed exactly as it is typed or printed.
- II. **SIGNATURES FOR INDIVIDUALS.** The name must be signed exactly as it is printed or typed. The signer's title or interest in the property (e.g. "owner") must be stated.
- III. **SIGNATURES FOR PARTNERSHIPS.** The signing party must be either a general partner or be authorized in writing to have the authority to sign for and bind the partnership.
- IV. **SIGNATURES FOR CORPORATIONS.** Authorization to sign contracts and other documents on behalf of the corporation must be demonstrated by the following method:  
  
(Notarized Officer Signature). Authorization may be shown by the signature of either the corporation's president, vice president, secretary, or assistant secretary accompanied by a notary acknowledgment in the form prescribed by Civil Code §1189. (ref. Civil Code §1190)
- V. **SIGNATURES FOR LIMITED LIABILITY COMPANIES (LLC's).** Authorization must be demonstrated by providing the portion of the operating agreement authorizing the person signing the instrument to execute instruments of the type in question, and if the LLC does not have an operating agreement, then by providing the articles of incorporation for review by the CAO. (ref. Corp Code §§17151, 17154, 17157.)
- VI. **MAPS AND DOCUMENTS TO BE RECORDED.** For maps and documents to be recorded, including all transactions affecting title to real property, all signatures must be properly notarized and accompanied by a certificate of acknowledgement in the form prescribed by Civil Code section 1189. (ref. Gov't Code §§ 27287, 66436, 66439, 66447) The names and titles of the people signing the documents must be listed on the notary flag.
- VII. **CHANGES.** Should any changes be made to the document once signed, the changes must be initialed by all parties signing the document. Obliteration of any type will not be acceptable.